THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23962 OF 2005

Dt.9.11.2005

Between:

V.Venkata Reddy … Petitioner

And

The Joint Collector, Anantapur,

Anantapur District and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The Revenue Divisional Officer, Penukonda while suspending the Fair Price Shop dealership of the petitioner by suspension-cum-show cause notice dated 30.6.2005 in Rc.No.1275/05/C called upon the petitioner to submit explanation within 7 days and a personal hearing is also fixed on 5.9.2005 in Sub-Collector's Office, Penukonda to file explanation and the failure to offer explanation on the said date will be construed that the dealer has no explanation to offer and final orders will be passed on the material available on record. Aggrieved by the same, the petitioner filed an appeal before the Joint Collector, Anantapur on 27.8.2005. It is stated that the Joint Collector rejected the stay application by order dated 30.8.2005. Aggrieved by the said order of the Joint Collector in rejecting the stay application, this writ petition is filed.

Sri V.Ravinder Rao, learned counsel appearing for the petitioner submits that the entire records have been seized from the possession of the petitioner and without returning the said records asking for explanation of the petitioner is illegal and unreasonable.

I am unable to appreciate the said request as there is no material that goes to show that the petitioner has made a request for return of the documents so as to enable him to submit proper explanation. It is not known as what happened on 5.9.2005. This writ petition is only filed questioning the validity and rejection of the stay application by the Joint Collector by the impugned order dated 30.8.3005. As the appeal is pending and the averments of the suspension order goes to show that the irregularities said to have been committed are not

trivial or clerical in nature, I am not inclined to interfere with the impugned order dated 30.8.2005.

The writ petition is dismissed accordingly directing the Joint Collector, Anantapur to consider and dispose of the appeal within four weeks from the date of receipt of a copy of this order. No costs.

(V.ESWARAIAH, J.)

9.11.2005

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